APPENDIX II.

[Vide item II (1) on page 909 supra.]

L.A. BILL No. 52 OF 1954.

(As passed by the Assembly.)

A Bill to provide for the regulation of exhibitions by means of cinematographs in the State of Madras.

WHEREAS it is expedient to provide for the regulation of exhibitions by means of cinematographs in the State of Madras;

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Cinemas (Regulation) Act, 1955.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(1) " cinematograph " includes any apparatus for the representation of moving pictures or series of pictures;

(2) " District Collector " in relation to the presidency-town, means the Commissioner of Police, Madras;

(3) " Government " means the State Government;

(4) " notification " means a notification published in the *Fort St. George Gazette*;

(5) " place " includes a house, building, tent and any description of transport, whether by water, land or air;

(6) " prescribed " means prescribed by rules made under this Act.

3. *Cinematograph exhibitions to be licensed.*—Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

4. *Licensing authority.*—The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the District Collector :

Provided that the Government may, by notification, constitute, for the whole or any part of the State, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

5. *Restrictions on powers of licensing authority.*—(1) The licensing authority shall, in deciding whether to grant or refuse a licence, have regard to the following matters, namely :—

(*a*) the interest of the public generally;

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(b) the status and previous experience of the applicant;

(c) the suitability of the place where the cinematograph exhibitions are proposed to be given;

(d) the adequacy of existing places for the exhibition of cinematograph films in the locality;

(e) the benefit to any particular locality or localities to be afforded by the opening of a new place of cinematograph exhibition;

(f) the possession by the applicant, of other places, if any, licensed under this Act, whether in the same locality or elsewhere, and whether at the time of applying for the licence or at any previous time;

and shall also take into consideration any representations made by persons already giving cinematograph exhibitions in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of cinematograph exhibitions.

(2) The licensing authority shall not grant a licence unless it is satisfied that—

(a) the rules made under this Act have been substantially complied with, and

(b) adequate precautions have been taken in the place, in respect of which the licence is to be granted, to provide for the safety, convenience and comfort of the persons attending exhibitions therein.

(3) The licensing authority may, after consideration of the matters set forth in sub-section (1), limit the number of places in any area in respect of which licences under this Act may be granted.

(4) The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films, to licensing authorities; and every licensing authority shall give effect to such orders and directions.

(5) Subject to the foregoing provisions of this section, the licensing authority may grant licences under this Act to such persons and on such terms and conditions and subject to such restrictions as it may determine. Where the licensing authority refuses to grant any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

(6) Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof whether absolute or by way of security or otherwise shall be valid unless approved in writing by the licensing authority.

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(7) Any person aggrieved by the decision of the licensing authority refusing to grant a licence under this Act or refusing to approve any transfer or assignment thereof, may, within such time as may be prescribed, appeal to such authority as the Government may specify in this behalf and such authority may make such order in the case as it may think fit.

6. *Power of Government to issue directions.*—The Government may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit such film or class of films having a scientific or educative value, such films dealing with news and current events, such documentary films, indigenous films, or such other films having special value to the public, as may have been approved by the Government in that behalf from time to time; and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted:

Provided that no direction issued under this section shall require the licensee to exhibit any such film or films exceeding two thousand feet at, or for more than one-fifth of the entire time token for any one show.

7. *Power of Government or District Collector to suspend exhibition of films in certain cases.*—(1) The Government in respect of the whole of the State or any part thereof, and the District Collector within his jurisdiction, may, if they or he are or is of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film; and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part or district thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him:

Provided that this sub-section shall not apply where the Government or the District Collector proposing to issue the order are or is satisfied that owing to any emergency or for some other reason, to be recorded by them or him in writing, it is not reasonably practicable to give to that person an opportunity of showing cause:

Provided further that a copy of the reasons recorded by the Government or the District Collector for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to communicate the reasons to him.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the Government or the District Collector, as the case may be, shall be final.

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(4) Where an order under subsection (1) has been issued by the District Collector, a copy thereof, together with a statement of the reasons therefor, shall forthwith be forwarded by him to the Government, and the Government may, on a consideration of all the facts of the case, either confirm or vary or discharge the order.

(5) An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit:

Provided that the Government or the District Collector may review their own order.

8. *Penalties.*—If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

9. *Power to revoke licence.*—Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or section 8 of this Act, the licence may be revoked by the licensing authority by an order in writing.

10. *Power to make rules.*—(1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the terms, conditions and restrictions, subject to which a licence may be granted under this Act and the fees to be paid in respect of such licence;

(*b*) the regulation of cinematcgraph exhibitions for securing the public safety;

(*c*) the time within which and the conditions subject to which an appeal under sub-section (7) of section 5 may be preferred, and the fees to be paid in respect of such appeal;

(*d*) the procedure for approval of films for the purposes of section 6.

(3) All rules made under this Act shall come into force on the date of notification and shall be laid for not less than fifteen days before both Houses of the State Legislature, as soon as possible after they are made, and shall be subject to such modifications whether by way of repeal or amendment, as those Houses may make during the session in which they are laid.

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11. *Power to exempt.*—The Government may, by order in writing, exempt, subject to such conditions and restrictions as they may impose, any cinematograph exhibition or class of cinematograph exhibitions or any place where a cinematograph exhibition is given from any of the provisions of this Act or of any rules made thereunder.

12. *Repeal.*—In relation to this State, the Cinematograph Act, 1918 (Central Act II of 1918), in so far as it has not been repealed by the Cinematograph Act, 1952 (Central Act XXXVII of 1952), is hereby repealed :

Provided that any appointment, notification, order, scheme, rule, form or by-law, made or issued under the repealed Act, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rules form or by-law made or issued under this Act.

APPENDIX III.

[Vide item II (2) on page 929 supra.]

L.A. BILL No. 8 OF 1955.

(As passed by the Assembly.)

A Bill further to amend the Presidency Small Cause Courts Act, 1882, *in its application to the State of Madras.*

WHEREAS it is necessary and expedient further to amend the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), in its application to the State of Madras, for the purposes hereinafter appearing ;

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Presidency Small Cause Courts (Madras Amendment) Act 1955.

(2) It shall come into force on such date as the State Government may, by notification in the *Fort St. George Gazette*, appoint.

2. *Amendment of section* 71, *Central Act XV of* 1882.—In section 71 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882) (hereinafter referred to as the principal Act), for clauses (*a*) and (*b*), the following shall be substituted :—

"the sum of twelve annas for every ten rupees or part thereof of the amount or value of the subject-matter."